

**STATE V. TRUELOCK, 1962-NMSC-108, 70 N.M. 389, 374 P.2d 141 (S. Ct. 1962)**

**STATE of New Mexico, Plaintiff-Appellee,  
vs.  
John H. TRUELOCK, Defendant-Appellant**

No. 7184

SUPREME COURT OF NEW MEXICO

1962-NMSC-108, 70 N.M. 389, 374 P.2d 141

August 15, 1962

Defendant was convicted in the District Court, Curry County, J. V. Gallegos, D.J., of driving while under influence of intoxicating liquor and he appealed. The Supreme Court, Carmody, J., held that evidence sustained conviction.

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**COUNSEL**

Mears, Mears & Boone, Portales, for appellant.

Earl E. Hartley, Atty. Gen., Thomas A. Donnelly, George Richard Schmitt, Asst. Attys. Gen., Santa Fe, for appellee.

**JUDGES**

Carmody, Justice. Chavez and Moise, JJ., concur. Compton, C.J., and Noble, J., not participating.

**AUTHOR: CARMODY**

**OPINION**

{\*389} {1} The sole question for our determination is whether a conviction for driving while under the influence of intoxicating liquor was supported by substantial evidence. We see no necessity in reviewing the evidence upon which the trial court, sitting without a jury, found the defendant guilty. Let it suffice to say that we deem the evidence substantial to establish defendant's guilt beyond a reasonable doubt. Naturally, it was contradicted by the testimony of the defendant and his witnesses, but mere contradiction does not make the State's evidence any less substantial. See, State v.

{\*390} Sisneros, 1938, 42 N.M. 500, 82 P.2d 274; City of Albuquerque v. Arias, 1958, 64 N.M. 337, 328 P.2d 593; City of Roswell v. Ferguson, 1959, 66 N.M. 152, 343 P.2d 1040, and many other cases which need not be cited.

{2} The judgment will be affirmed. It is so ordered.